

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**FILED**

February 10, 2022  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: Jennifer Clark  
DEPUTY

ECOFACOR, INC.

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 6:20-cv-00075-ADA

**VERDICT FORM**

When answering the following questions and filling out this Verdict Form, you are to follow the instructions I have given you in the Court's Jury Instructions charge and follow the directions provided throughout this form. Your answers to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein, the following terms have the following meanings:

- "EcoFactor" refers to EcoFactor, Inc.
- "Google" refers to Google LLC.
- The "'327 Patent" refers to U.S. Patent No. 8,738,327.
- The "'382 Patent" refers to U.S. Patent No. 10,534,382.

We, the jury, unanimously agree to the answers to the following questions and return them as our verdict in this case:

**Begin by first answering Question No. 1.**

**QUESTION NO. 1:**

Did EcoFactor, Inc. ("EcoFactor") prove, by a preponderance of the evidence, that Google LLC ("Google") infringed one or more of the following claims of the Asserted Patents?

*Check "Yes" or "No" for each Asserted Claim of each Asserted Patent.*

*"Yes" is a finding for EcoFactor. "No" is a finding for Google.*

<b>'327 Patent</b>				
Claim 5	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
<b>'382 Patent</b>				
Claim 2	YES	<input checked="" type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Claim 12 <sub>a</sub>	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>

**If you answered "No" to all parts of Question No. 1, then skip the remaining Question Nos. 2-5 and proceed to the Final Page of the Verdict Form and follow the instructions given there.**

**If you answered "Yes" to any part of Question No. 1, please proceed to Question Nos. 2 and 3.**

**QUESTION NO. 2:**

Did Google prove by clear and convincing evidence that the following Asserted Claims are invalid?

“Yes” is in favor of Google, and “No” is in favor of EcoFactor.

Check either “Yes” or “No” for each Asserted Claim for which you answered “Yes” in Question 1:

Claim 5 of the '327 Patent	Yes: _____	No: <u>✓</u>
Claim 2 of the '382 Patent	Yes: _____	No: <u>✓</u>
Claim 12 of the '382 Patent	Yes: _____	No: <u>✓</u>

**QUESTION NO. 3:**

Did Google prove by clear and convincing evidence that the elements of the Asserted Claims, when taken individually and when taken as an ordered combination, involve only activities or technology which a person of ordinary skill in the art would have considered to be well-understood, routine, and conventional as of the priority date of the invention?

“Yes” is in favor of Google, and “No” is in favor of EcoFactor.

Check “Yes” or “No” for each Asserted Claim for which you answered “Yes” in Question 1.

<b>'327 Patent</b>				
Claim 5	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
<b>'382 Patent</b>				
Claim 2	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Claim 12	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>

**If you have reached this point in the verdict form, you should have answered Question Nos. 1-3. If you have not answered Questions Nos. 1-3 please go back and answer them before proceeding.**

**If you answered “No” to all parts of Question 1, then skip Question No. 4-5. Proceed to the Final Page of the Verdict Form and follow the instructions given there.**

**If you answered “Yes” to all parts of Question 2, then skip Question No. 4-5. Proceed to the Final Page of the Verdict Form and follow the instructions given there.**

**You should only answer Question Nos. 4-5 if you answered “YES” in Question No. 1 for at least one claim that you also answered “NO” to in Question No. 2. In other words, answer Question Nos. 4-5 only if at least one claim is infringed (Question No. 1) and is not invalid (Question No. 2).**

**Otherwise, proceed to the Final Page of the Verdict Form and follow the instructions given there.**

**QUESTION NO. 4:**

What sum of money, if paid now in cash, has EcoFactor proven by a preponderance of the evidence would compensate EcoFactor for its damages resulting from Google's infringement?

Amount: \$20,019,300.<sup>00</sup>

**QUESTION NO. 5:**

Is the amount you found in Question No. 4 meant to compensate only for infringement through the date of trial (a running royalty), or include all future infringing sales through the expiration of the patent(s) (a lump sum)?

**Check one of the following:**

1) Amount based on running royalty for damages through trial \_\_\_\_\_

**- OR -**

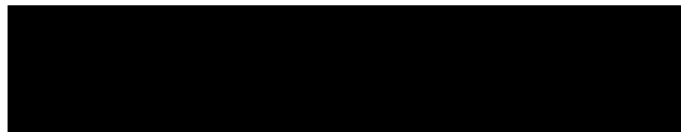
2) Amount based on lump sum for all damages, including future infringing sales ☒ \_\_\_\_\_

**FINAL PAGE OF JURY VERDICT FORM**

You have now reached the end of the Verdict Form and should review it to ensure it accurately reflects your unanimous determinations. After you are satisfied that your unanimous answers are correctly reflected above, your Jury Foreperson should then sign and date this Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The jury foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

I certify that the jury unanimously concurs in every element of the above verdict.

SIGNED this 10 day of February, 2022.



JURY FOREPERSON